

SENATE BILL 3136

By Harper

AN ACT to amend Tennessee Code Annotated, Title 57,
relative to criminal background checks.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Section 57-3-706, is amended by deleting such section in its entirety and by substituting instead the following:

57-3-706. The commission is authorized to seek criminal history background or fingerprint checks on a random sample of employee or server permit applicants.

Criminal background checks may include fingerprint checks against state and federal criminal records maintained by the Tennessee bureau of investigation and the federal bureau of investigation. The Tennessee bureau of investigation is authorized to assess against the alcoholic beverage commission fees for the searches in accordance with the fee schedule established by the bureau. Such background searches shall be paid from revenues generated from the increase in license application fees pursuant to § 57-3-709(b).

SECTION 2. Tennessee Code Annotated, Section 57-3-709, is amended by designating the existing language as subsection (a) and by adding the following language to be designated as subsection (b):

(b) In addition to the fees assessed pursuant to subsection (a), the commission shall assess an additional fifty dollars (\$50) for each application and renewal to be deposited by the commission in the background check fund created pursuant to § 57-1-213. Money deposited in the fund shall be used as provided in § 57-1-213.

SECTION 3. Tennessee Code Annotated, Section 57-3-207, is amended by adding a new subsection thereto, as follows:

(o) The commission is authorized to seek criminal history background or fingerprint checks on a random sample of winery license applicants. The background or fingerprint check shall be conducted on each person having ownership interests and/or managerial duties who submit the questionnaire which is attached to the application for the permit for the winery license application. Criminal background checks may include fingerprint checks against state and federal criminal records maintained by the Tennessee bureau of investigation and the federal bureau of investigation. The Tennessee bureau of investigation is authorized to assess against the alcoholic beverage commission fees for the searches in accordance with the fee schedule established by the bureau. Such background searches shall be paid from revenues generated from the increase in winery license application fees pursuant to subsection (c) of this section.

SECTION 4. Tennessee Code Annotated, Section 57-3-207(c), is amended by deleting in the first sentence the language “three hundred dollars (\$300)” and by substituting instead the language “three hundred and fifty dollars (\$350)”.

SECTION 5. Tennessee Code Annotated, Section 57-3-207, is amended by adding the following new subsection thereto:

(p) Notwithstanding any other law to the contrary, the revenue generated from the increase in the application fees from three hundred dollars (\$300) to three hundred and fifty dollars (\$350) shall be deposited by the commission in the background check fund created pursuant to § 57-1-213. Money deposited in the fund shall be used as provided in § 57-1-213.

SECTION 6. Tennessee Code Annotated, Section 57-3-204, is amended by adding a new subsection thereto, as follows:

(i) The commission is authorized to seek criminal history background or fingerprint checks on a random sample of retailer license applicants. The background or fingerprint check shall be conducted on each person having ownership interests and/or managerial duties who submit the questionnaire which is attached to the application for the permit for the retailer license application. Criminal background checks may include fingerprint checks against state and federal criminal records maintained by the Tennessee bureau of investigation and the federal bureau of investigation. The Tennessee bureau of investigation is authorized to assess against the alcoholic beverage commission fees for the searches in accordance with the fee schedule established by the bureau. Such background searches shall be paid from revenues generated from the increase in retail license application fees pursuant to subsection (b) of this section.

SECTION 7. Tennessee Code Annotated, Section 57-3-204(b)(1), is amended by deleting in the first sentence the language “three hundred dollars (\$300)” and by substituting instead the language “three hundred and fifty dollars (\$350)”.

SECTION 8. Tennessee Code Annotated, Section 57-3-204, is amended by adding the following new subsection thereto:

(j) Notwithstanding any other law to the contrary, the revenue generated from the increase in the application fees from three hundred dollars (\$300) to three hundred and fifty dollars (\$350) shall be deposited by the commission in background check fund created pursuant to § 57-1-213. Money deposited in the fund shall be used as provided in § 57-1-213.

SECTION 9. Tennessee Code Annotated, Section 57-3-203, is amended by adding a new subsection thereto, as follows:

(k) The commission is authorized to seek criminal history background or fingerprint checks on a random sample of wholesaler license applicants. The background or fingerprint check shall be conducted on each person having ownership interests and/or managerial duties who submit the questionnaire which is attached to the application for the permit for the wholesaler license application. Criminal background checks may include fingerprint checks against state and federal criminal records maintained by the Tennessee bureau of investigation and the federal bureau of investigation. The Tennessee bureau of investigation is authorized to assess against the alcoholic beverage commission fees for the searches in accordance with the fee schedule established by the bureau. Such background searches shall be paid from revenues generated from the increase in wholesale license application fees pursuant to subsection (b) of this section.

SECTION 10. Tennessee Code Annotated, Section 57-3-203(b), is amended by deleting in the first sentence the language "three hundred dollars (\$300)" and by substituting instead the language "three hundred and fifty dollars (\$350)".

SECTION 11. Tennessee Code Annotated, Section 57-3-203, is amended by adding the following new subsection thereto:

(l) Notwithstanding any other law to the contrary, the revenue generated from the increase in the application fees from three hundred dollars (\$300) to three hundred and fifty dollars (\$350) shall be deposited by the commission in the background check fund created pursuant to § 57-1-213. Money deposited in the fund shall be used as provided in § 57-1-213.

SECTION 12. Tennessee Code Annotated, Section 57-3-202, is amended by adding a new subsection thereto, as follows:

(i) The commission is authorized to seek criminal history background or fingerprint checks on a random sample of manufacturer or distiller license applicants. The background or fingerprint check shall be conducted on each person having ownership interests and/or managerial duties who submit the questionnaire which is attached to the application for the permit for the manufacturer or distiller license application. Criminal background checks may include fingerprint checks against state and federal criminal records maintained by the Tennessee bureau of investigation and the federal bureau of investigation. The Tennessee bureau of investigation is authorized to assess against the alcoholic beverage commission fees for the searches in accordance with the fee schedule established by the bureau. Such background searches shall be paid from revenues generated from the increase in fees for manufacturer or distiller license applications pursuant to subsection (c) of this section.

SECTION 13. Tennessee Code Annotated, Section 57-3-202(c), is amended by deleting in the language "one thousand dollars (\$1,000)" and by substituting instead the language "one thousand and fifty dollars (\$1,050)".

SECTION 14. Tennessee Code Annotated, Section 57-3-202, is amended by adding the following new subsections thereto:

(j) Fifty dollars (\$50.00) of the one thousand and fifty dollar (\$1,050) license fee required in subsection (c) of this section shall be deposited by the commission in the background check fund created pursuant to § 57-1-213. Money deposited in the fund shall be used for as provided in § 57-1-213.

SECTION 15. Tennessee Code Annotated, Section 57-4-201, is amended by adding a new subsection thereto, as follows:

(g) The commission is authorized to seek criminal history background or fingerprint checks on a random sample of on-premises consumption license applicants.

The background or fingerprint check shall be conducted on each person having ownership interests and/or managerial duties who submit the questionnaire which is attached to the application for the permit for the on-premises consumption license application. Criminal background checks may include fingerprint checks against state and federal criminal records maintained by the Tennessee bureau of investigation and the federal bureau of investigation. The Tennessee bureau of investigation is authorized to assess against the alcoholic beverage commission fees for the searches in accordance with the fee schedule established by the bureau. Such background searches shall be paid from revenues generated from the increase in fees for on-premises consumption license applications pursuant to § 57-4-301(b)(1).

SECTION 16. Tennessee Code Annotated, Section 57-4-301(b)(1), is amended by deleting in the first sentence the language "three hundred dollars (\$300)" and by substituting instead the language "three hundred and fifty dollars (\$350)".

SECTION 17. Tennessee Code Annotated, Section 57-4-301, is amended by adding the following new subsections thereto:

(h) Notwithstanding any other law to the contrary, the revenue generated from the increase in the application fees from three hundred dollars (\$300) to three hundred and fifty dollars (\$350) shall be deposited by the commission in the background check fund created pursuant to § 57-1-213. Money deposited in the fund shall be used as provided in § 57-1-213.

SECTION 18. Tennessee Code Annotated, Title 57, Chapter 1, Part 2, is amended by adding the following language as new sections:

57-1-213.

(a) There is created within the state treasury a background check fund, hereinafter referred to as the "fund" to be used for the purpose of conducting random

criminal history background or fingerprint checks required pursuant to §§ 57-3-706, 57-3-207, 57-3-204, 57-3-203, 57-3-202 and 57-4-201.

(b) Any fund balance remaining unexpended at the end of a fiscal year in the fund shall be carried forward into the subsequent fiscal year and shall continue to be preserved for the administration of random background checks.

(c) Interest accruing on investments and deposits of the fund shall be carried forward into the subsequent fiscal year.

(d) Moneys in the fund shall be invested by the state treasurer in accordance with the provisions of § 9-4-603. The fund shall be administered by the commission.

(e) Moneys in the fund shall only be expended and obligated in accordance with appropriations made by the general assembly for the purposes as provided in this act.

57-1-214. If the subject of a random sample criminal history background or fingerprint check conducted by the alcoholic beverage commission pursuant to this act, is a person who is not a Tennessee resident, then such person shall be required to submit to the commission a certified criminal history background or fingerprint check from the person's state of residency. Such information shall be supplied to the commission in a form and in such manner as required by the commission.

SECTION 19. This act shall take effect July 1, 2012, the public welfare requiring it.